

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ALEXANDER BRICKHOUSE, individually,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 3:12-cv-00593-SMY-PMF
	)	
JOHN REDSTONE, individually,	)	
	)	
Defendant.	)	

**DEFENDANT'S RESPONSE TO**  
**PLAINTIFF'S MOTION TO CHANGE VENUE**

COMES NOW, the Defendant, JOHN REDSTONE, individually, by and through his attorney Jane Unsell, of the law firm of Unsell, Schattnik, & Phillips, P.C. and for his Response to the Plaintiff's Motion to Change Venue states as follows:

1. On or about October 22, 2014, the Plaintiff Alexander Brickhouse filed a Motion to Change Venue in the above-stated matter. Of note, the Plaintiff titled such motion, "Defendant's Motion to Change Venue," however, this is incorrect as such motion was filed by the Plaintiff and not the Defendant.

2. Pursuant to 28 U.S.C. § 1404, a party may file a motion to transfer, from the **division** in which it is pending to any **other division** in the same district. It is within the Court's discretion to allow such transfer. See 28 U.S.C. § 1404 (emphasis added).

3. However, the Plaintiff has no right to request a transfer in the instant matter.

4. Specifically, and in accordance with this Court's decision in *Craig v. Harrah's Entertainment, Inc.*, Benton and East St. Louis are not in fact divisions of the United States District Court for the Southern District of Illinois. 2006 WL 1004931 at \*1. Specifically, the Southern District of Illinois has no divisions pursuant to 28 U.S.C. § 93. *Id.* As a result, and as was held by the Honorable David Herndon, requesting a motion to transfer venue in the Southern District of Illinois between Benton and East St. Louis is a "crucial misnomer" as Benton and East St. Louis are not separate and apart from one another within the Southern District of Illinois. *Id.*

5. Further, Plaintiff indicates to this Court that "Plaintiff's counsel has already consulted with Defense counsel who takes no position on the matter." However, Defense counsel disputes this statement. Instead, Defense counsel by e-mail in response to Plaintiff's counsel's request for a position on the issue of a motion to move the location of the trial indicated more than suggested by Plaintiff's counsel. The entire response is as below: "I have no position on your Motion. Based on my experience in the Southern District, the assignment to a courthouse is the Court's decision and Motions to move the trial within the Southern District are disfavored. I prefer, therefore, you leave out any comment on a preference by the Defendant." Plaintiff's counsel's indication to this Court that

Defense counsel has no position whatsoever is a misstatement. Defense counsel does object to the Motion to Change Venue as filed by the Plaintiff.

6. Because Plaintiff has no right to transfer venue as there are no divisions within the United States District Court for the Southern District of Illinois, Defendant requests that this Court deny the Plaintiff's motion.

WHEREFORE, Defendant JOHN REDSTONE, individually, prays that this Court deny the Plaintiff's Motion to Transfer Venue and for any further relief as deemed just and necessary by this Court.

/s/ Jane Unsell  
Jane Unsell #03124410  
UNSELL, SCHATTNIK & PHILLIPS, P.C.  
3 S. 6<sup>th</sup> Street  
Wood River, IL 62095  
(618) 258-1800  
(618) 258-1957 fax  
Attorney for Defendant  
Officer John Redstone  
janeunsell@gmail.com

**CERTIFICATE OF SERVICE**

I hereby certify that on October 23, 2014, I electronically filed Defendant John Redstone's Response to Plaintiff's Motion to Change Venue with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Haytham Faraj, Esq.  
The Law Offices of Haytham Faraj  
835 Mason St., Ste. 150A  
Dearborn, MI 48126  
(313) 436-1980  
(202) 280-1039 (Fax)  
farajh@gmail.com  
Attorney for Plaintiff

Joseph H. Low, IV, Esq.  
Law Firm of Joseph H. Low, IV  
One World Trade Center, Suite 2320  
Long Beach, CA 90831  
(562) 901-0840  
(562) 901-0841 (Fax)  
joseph@jhllaw.com  
Attorney for Plaintiff

/s/ Jane Unsell  
Jane Unsell #03124410  
UNSELL, SCHATTNIK & PHILLIPS, P.C.  
3 S. 6<sup>th</sup> Street  
Wood River, IL 62095  
(618) 258-1800  
(618) 258-1957 fax  
Attorney for Defendant  
Officer John Redstone  
janeunsell@gmail.com